

EDWARDS ANGELL PALMER & DODGE LLP  
Rory J. McEvoy (RM-1327)  
Shari A. Alexander (SA-0615)  
Attorneys for Defendants  
Beth Israel Medical Center  
and Continuum Health Partners, Inc.  
750 Lexington Avenue  
New York, New York 10022  
212.308.4411

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH DI GIOVANNA,

Plaintiff,

08 Civ. 02750 (LAK)

-against-

**DECLARATION OF  
FRANCESCA TINTI**

BETH ISRAEL MEDICAL CENTER, and  
CONTINUUM HEALTH PARTNERS, INC.,

Defendants.

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FRANCESCA TINTI, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

1. I am the Assistant Director of Human Resources for Defendant Beth Israel Medical Center (“BIMC” or the “Hospital”), St. Luke’s/Roosevelt Hospital Center (“SLRHC”) and Long Island College Hospital (“LICH”). I have held this position for 9 years. I make this declaration in support of BIMC’s and Continuum Health Partners, Inc.’s (“Continuum”) (collectively, the “Defendants”) opposition to Plaintiff’s motion to remand. I am fully familiar with the specific matters set forth herein.

2. Continuum is a holding company primarily created for the purpose of serving as the parent of several hospitals, including BIMC, SLRHC and LICH. A number of

Departments that provide services to Continuum, BIMC, SLRHC and LICH are located at 555 West 57<sup>th</sup> Street in Manhattan.

3. On the 18th floor at 555 West 57th Street the following departments are located: the Department of Public Affairs, Marketing and Development; the Department of Training and Organizational Development; the Internal Audit Department and the Legal Department. In addition, Michelle Leone, Senior Vice President for Revenue Cycle Operations has her office on the 18th floor.

4. In the Department of Public Affairs, Marketing and Development the following individuals have their offices on the 18<sup>th</sup> floor at 555 West 57<sup>th</sup> Street, Kathleen McGovern-Kearns, Senior Vice President, Patricia Balsamini, Vice President of Development, Terry Cavanaugh, Corporate Director of Marketing and Jim Mandler, Assistant Vice President of Public Affairs.

5. In the Department of Training and Organizational Development, Karen Barrowclough, Director, has her office on the 18<sup>th</sup> floor at 555 West 57<sup>th</sup> Street.

6. The Assistant Vice President of the Internal Audit Department, Caroline Malvasio, is located on the 18<sup>th</sup> floor at 555 West 57<sup>th</sup> Street .

7. The Legal Department is headed by Kathryn Meyer, Executive Vice President of Corporate Affairs and General Counsel. The Legal Department is staffed with the following attorneys: David Engel, Deputy General Counsel; Louis Schenkel, Assistant General Counsel and Corporate Compliance Officer; Jill Clayton, Vice President for Legal Affairs and Deputy General Counsel; Mary Hilgeman, Associate General Counsel; Deborah Korzenik, Associate General Counsel; and Nina Brodsky, Assistant General Counsel. All of these individuals are located on the 18<sup>th</sup> floor at 555 West 57<sup>th</sup> Street.

8. I have reviewed the HRIS system which contains the name and job titles of all employees at Continuum, BIMC, SLRHC and LICH. The HRIS system shows that, during the month of January 2008, there were only six employees at Continuum, BIMC, SLRHC or LICH with the name (or a variation of the name) Ortiz who have the first initial M. Of this group three were employed by BIMC and none were employed by Continuum. The name, employer, job title and work location of each of these employees are as follows:

Margarita Pabon Ortiz, BIMC, Director, Professional Billing Client Services, 160 Water Street, New York, New York;

Michele Ortiz Andino, BIMC, Social Worker, Petrie Division, 1<sup>st</sup> Avenue at 16<sup>th</sup> Street, New York, New York;

Myrna Socoro Ortiz Rodriguez, BIMC, Environmental Service Worker, Petrie Division, 1<sup>st</sup> Ave at 16<sup>th</sup> Street, New York, New York;

Mario Ortiz, SLRHC, Food & Nutrition Aide, Roosevelt Hospital, 1000 10<sup>th</sup> Avenue, New York, New York;

Marlene Ortiz; SLRHC, Lab Clerk, Pathology Department, Roosevelt Hospital, 1000 10<sup>th</sup> Avenue, New York, New York; and

Myra Ortiz, LICH, Patient Transporter, 339 Hicks Street, Brooklyn, New York.

None of these employees' work location was at 555 West 57<sup>th</sup> Street on the 18<sup>th</sup> Floor. Nor did any of these individuals hold the job title "Managing Agent." In fact, the job title "Managing Agent" does not exist at Continuum, BIMC, SLRHC or LICH.

9. Attached as Exhibit 1 are the screen shots from the HRIS system for each of the employees discussed in the preceding paragraph. The employee's name appears at the top of the screen shot on the left hand side. The employee's job title appears on the second line called "Position" of the box that is on the right hand, top portion of the screen shot. The Department or Division in which the employee works appears on the first line called "Organization" of the box

that is on the left hand, top portion of the screen shot. The Hospital at which the employee works appears on the third line called "Payroll" of the box that is on the right hand, top portion of the screen shot. I determined that Ms. Pabon Ortiz works at Water Street by telephoning her manager. The letters "PTR" stand for Petrie Division, the letters "RVT" stand for Roosevelt Hospital and the letters "LCH" stand for Long Island College Hospital.

Dated: April 18, 2008  
New York, New York



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FRANCESCA TINTI

Exhibit 1

Assignment (ORTIZ PABON, MARGARITA)

Organization	PTR CHP PROJ BILL CLIENT SVC	Group	
Job	NON UNION DIRECTOR	Position	DIRECTOR-111-008560-000
Grade	PTR-ML	Payroll	PTR A BI WEEKLY
Emp ID	CP 8560 4409	Status	Active Assignment

Assignment Number	127469	Collective Agreement	
Assignment Code	REG FT BE	Employee Category	Exempt

Salary Information	Supervisor	Probation & Notice Period	Standard Conditions	Statutory Information
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Review Salary	Salary Basis	Review Performance
Every	CHP 37.5 HOURLY	Every

From	To	IP1
27-JAN-2008		

Salary	Entries	Others...
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TOTAL P.10

Assignment(ORTIZ-ANDINO, MICHELE)

Group	PTR CHP SOCIAL WORK	Group	
Position	LOCAL 1199-TECHNICAL/PROFESSIONAL	Position	SOCIAL WORK MSW.823-009045-000
Payroll	PTR 6F	Payroll	PTR A BI WEEKLY
Status	CP 9045 4409	Status	Active Assignment
Assignment Number	127470	Collective Agreement	
Employee Category	REG FT BE	Employee Category	Non Exempt

Salary Information | Supervisor | Probation & Notice Period | Standard Conditions | Statutory Information

Salary Basis: CHP 37.5 HOURLY

Review Salary Every | Review Performance Every

From 27-JAN-2008 To P3

Salary Entries Others...

Assignment (ORTIZ RODRIGUEZ, MYRNA SOCORRO)

Organization	PTR CRP ENVIR SVC	Group	
Job	LOCAL 1199 SERVICE	Position	HOUSEKEEPING WORKER-225-009170-055
Grade	PTR3A	Payroll	PTR A BI WEEKLY
Station	CP 9170 4409	Status	Active Assignment

Assignment Number	153268	Collective Agreement	
Assignment Status	REG FT BE	Employee Category	Non Exempt

Salary Information | Supervisor | Probation & Notice Period | Standard Conditions | Statutory Information

Review Salary	Salary Basis	Review Performance
Every	CHP 37.5 HOURLY	Every

Effective Date

From	27-JAN-2008	To	
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P3

Salary	Entries	Others...
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Assignment(ORTIZ, MARIO)

Organization	SI R RVT FOOD SVC FOOD PROD	Group	
Job	LOCAL 1199-SERVICE	Position	FOOD & NUTRITION AIDE-222-019141-000
Grade	RVT-3A	Payroll	RVT WEEKLY
Location	RH 9141 1109	Status	Active Assignment

Assignment Number	127438	Collective Agreement	
Assignment Category	REG FT BE	Employee Category	Non Exempt

Salary Information	Supervisor	Probation & Notice Period	Standard Conditions	Statutory Information
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Salary Basis		CHP 37.5 HOURLY	
Review Salary	Every	Review Performance	Every

Effective Date		From 27-JAN-2008 To	
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Salary	Etries	Others...
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Assignment(ORTIZ, MARLENE)

Organization	SIL RVT PATH ADMIN	Group	
Job	LOCAL 1199 CLERICAL	Position	LABORATORY CLERK 324-019200-000
Grade	RVT-2C	Payroll	RVT WEEKLY
Location	RH 9200 1109	Status	Active Assignment

Assignment Number	127441	Collective Agreement	
Assignment Category	REG FT BE	Employee Category	Non Exempt

Salary Information	Supervisor	Probation & Notice Period	Standard Conditions	Statutory Information
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Review Salary	Salary Basis	Review Performance
Every	CHP 37.5 HOURLY	Every

Effective Dates	From	To	R4
	27-JAN-2008		

Salary	Entries	Others...
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Assignment(ORTIZ, MAYRA A.)

Organization	LCH LCH TRANSIT SVC	Group	
Job	LOCAL 1199-SERVICE	Position	PATIENT TRANSPORTER-225-099190-004
Grade	LCH-3A	Payroll	LCH B BI WEEKLY
LI 9190 2009		Status	Active Assignment

156269	Collective Agreement	
REG PT BE	Employee Category	Non Exempt

Salary Information    Supervisor    Probation & Notice Period    Standard Conditions    Statutory Information

Salary Basis    **CHP 37.5 HOURLY**

Review Salary    Review Performance

Every    Every

27-JAN-2008    To    L6

Salary    Entries    Others...



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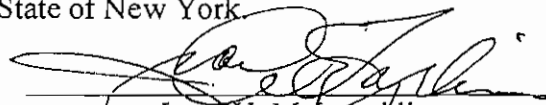
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH DI GIOVANNA, :  
 :  
Plaintiff, : 08 Civ. 02750 (LAK)  
 :  
-against- : **AFFIDAVIT OF SERVICE**  
 :  
BETH ISRAEL MEDICAL CENTER, and :  
CONTINUUM HEALTH PARTNERS, INC., :  
 :  
Defendant. :  
----- X

Jean W. McLoughlin, being duly sworn, deposes and says that she is over the age of eighteen; is not a party to this action; and that on the 18th day of April 2008, she served a true copy of the foregoing DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S MOTION TO REMAND, with accompanying declarations and exhibits annexed thereto upon:

Louis Ginsberg, Esq.  
The Law Firm of Louis Ginsberg, P.C.  
Attorneys for Plaintiff  
1613 Northern Boulevard  
Roslyn, New York 11576

by depositing a true copy of said document enclosed in prepaid, sealed wrapper, properly addressed to the above-named party, in an official depository under the exclusive care and custody of the United States Postal Service, within the State of New York.

  
Jean W. McLoughlin

Sworn to before me this  
18th day of April 2008

  
Notary Public

SHARI A. ALEXANDER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02AL6144342  
Qualified in New York County